

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

**ORDER OF DETENTION PENDING
PROBATION VIOLATION HEARING**

v.

CASE NUMBER: 13-CR-20013

CHAD THOMAS HARTUPEE.
_____ /

I. Procedural background

On September 30, 2013, a Judgment was entered by U.S. District Judge Thomas L. Ludington, sentencing Defendant to two years probation, with the first six months to be served on home detention for theft of personal property under 18 U.S.C. § 661. (Doc. 20.)

On May 9, 2014, Defendant was brought before the court on an initial appearance for an alleged violation of probation conditions pursuant to an Order with petition for issuance of warrant and warrant for arrest issued by U.S. District Judge Thomas L. Ludington. (Docs. 22, 23.)

Defendant was informed of the following rights:

- (1) right to receive written notice of violation(s) and Defendant acknowledged receipt of the same;
- (2) the right to hearings conducted by the sentencing Judge to determine if Defendant is guilty of the alleged violations;
- (3) the right to retain counsel or to request that counsel be appointed if Defendant cannot afford counsel;
- (4) if Defendant is held in custody, the right to a prompt preliminary hearing to determine if probable cause supports the alleged violations under FED. R. CRIM. P. 32.1(a)(3) and (b)(1); Defendant was also informed that this preliminary hearing may be waived.

Counsel for Defendant was appointed and present at the initial appearance and counsel indicated that he would speak with Defendant regarding whether a preliminary hearing should be held under Rule 32.1(b)(1).

II. Detention or release standards

As to detention or release, Rule 32.1(a)(6) provides that the magistrate judge may release or detain the defendant under 18 U.S.C. § 3143(a) (the Bail Reform Act) pending further proceedings.

Under 18 U.S.C. § 3143(a)(1), the court **shall order the defendant be detained unless** persuaded by clear and convincing evidence that the defendant is not likely to flee or pose a danger if released under § 3142(b) or (c). Under FED. R. CRIM. P. 32.1(a)(6) “[t]he burden of establishing that the person will not flee or pose a danger to any person or to the community rests with the person.”

III. Detention findings

In the instant case, defense counsel stipulated to detention pending further probation violation hearings.

IV. Order

Therefore, I **ORDER** the detention of the defendant without bail pending further probation violation hearings.

IT IS SO ORDERED.

Date: May 13, 2014

/S PATRICIA T. MORRIS

Patricia T. Morris

United States Magistrate Judge

CERTIFICATION

I hereby certify that this Order was electronically filed this date, electronically served on counsel of record through the Court's CM/ECF system, and served by other electronic means on Probation Officer Matt Romeo and the U.S. Marshals Service.

Date: May 13, 2014

By s/Jean L. Broucek

Case Manager to Magistrate Judge Morris